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The Marine Environmental Protection Law of the People's Republic of China (Chinese version and unofficial English translation)

Jianying Ye

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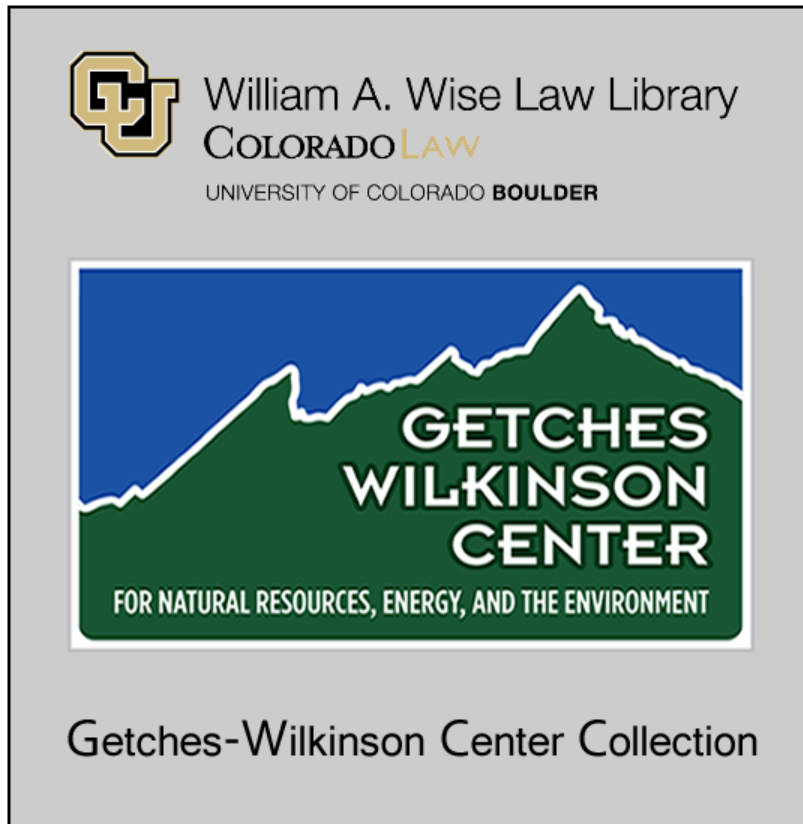
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中华人民共和国 海洋环境保护法

THE MARINE ENVIRONMENTAL
PROTECTION LAW OF THE
PEOPLE' S REPUBLIC OF CHINA

国家环境保护局

中华人民共和国海洋环境保护法

一九八二年八月二十三日第五届全国人民代表大会

常务委员会第二十四次会议通过

中华人民共和国第五届全国人民 代表大会常务委员会令

第 九 号

《中华人民共和国海洋环境保护法》已由中华人民共和国第五届全国人民代表大会常务委员会第二十四次会议于1982年8月23日通过，现予公布，自1983年3月1日起施行。

委员长 叶剑英

1982年8月23日

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第一章 总 则

第一条 为了保护海洋环境及资源，防止污染损害，保护生态平衡，保障人体健康，促进海洋事业的发展，特制定本法。

第二条 本法适用于中华人民共和国的内海、领海以及中华人民共和国管辖的一切其他海域。

在中华人民共和国管辖海域内从事航行、勘探、开发、生产、科学研究及其他活动的任何船舶、平台、航空器、潜水器、企业事业单位和个人，都必须遵守本法。

在中华人民共和国管辖海域以外，排放有害物质，倾倒废弃物，造成中华人民共和国管辖海域污染损害的，也适用于本法。

第三条 进入中华人民共和国管辖海域的一切单位和个人，都有责任保护海洋环境，并有义务对污染损害海洋环境的行为进行监督和检举。

第四条 国务院有关部门和沿海省、自治区、直辖市人民政府，可以根据海洋环境保护的需要，划出海洋特别保护区、海上自然保护区和海滨风景游览区，并采取相应的保护措施。海洋特别保护区，海上自然保护区的确定，须经国务院批准。

第五条 国务院环境保护部门主管全国海洋环境保护工作。

国家海洋管理部门负责组织海洋环境的调查、监测、监视，开展科学研究，并主管防止海洋石油勘探开发和海洋倾废污染损害的环境保护工作。

中华人民共和国港务监督负责船舶排污的监督和调查处理，以及港口水域的监视，并主管防止船舶污染损害的环境保护工作。

国家渔政渔港监督管理机构负责渔港船舶排污的监督和渔业港区水域的监视。

军队环境保护部门负责军用船舶排污的监督和军港水域的监视。

沿海省、自治区、直辖市环境保护部门负责组织协调、监督检查本行政区域的海洋环境保护工作，并主管防止海岸工程和陆源污染物污染损害的环境保护工作。

第二章 防止海岸工程对海洋环境的污染损害

第六条 海岸工程建设项目的主管单位，必须在编报计划任务书前，对海洋环境进行科学调查，根据自然条件和社会条件，合理选址，并按照国家有关规定，编报环境影响报告书。

第七条 建造港口、油码头，兴建入海河口水利和潮汐发电工程，必须采取措施，保护水产资源。在鱼蟹回游通道筑坝，要建造相应的过鱼设施。

第八条 港口和油码头应当设置残油、废油、含油污水和废弃物的接收和处理设施，配备必要的防污器材和监视、报警装置。

第九条 海涂的开发利用应当全面规划，加强管理。对围海造地或其他围海工程，以及采挖砂石，应当严格控制。确需进行的，必须在调查研究和经济效果对比的基础上，提出工程的环境影响报告书，报省、自治区、直辖市环境保护部门审批，大型围海工程并须报国务院环境保护部门审批。

禁止毁坏海岸防护林、风景林、风景石和红树林、珊瑚礁。

第三章 防止海洋石油勘探开发对海洋环境的污染损害

第十条 开发海洋石油的企业或其主管单位，在编报计划任务书前，应当提出海洋环境影响报告书，包括防止污染损害海洋环境的有效措施，并报国务院环境保护部门审批。

第十一条 海洋石油勘探和其他海上活动需要爆破作业时，应当采取有效措施，保护渔业资源。

第十二条 对勘探开发过程中使用的油料，应当加强管理，防止发生漏油事故。残油、废油应当予以回收，不准排放入海。

第十三条 海洋石油钻井船、钻井平台和采油平台的含油污水和油性混和物，不得直接排放；经回收处理后排放的，其含油量不得超过国家规定的标准。

第十四条 海洋石油钻井船、钻井平台和采油平台不得向海域处置含油的工业垃圾。处置其他工业垃圾不得对渔业水域、航道造成污染损害。

第十五条 海上试油时，油和油性混和物不得排放入海，并确保油气充分燃烧，防止污染海洋。

第十六条 海上输油管线，储油设施，应当符合防渗、防漏、防腐蚀的要求，经常保持良好状态，防止漏油事故。

第十七条 勘探开发海洋石油，必须配备相应的防污设施和器材，采取有效的技术措施，防止井喷和漏油事故的发生。

发生井喷、漏油事故的，应当立即向国家海洋管理部门报告，并采取有效措施，控制和消除油污染，接受国家海洋管理部门的调查处理。

第四章 防止陆源污染物对海洋环境的污染损害

第十八条 沿海单位向海域排放有害物质，必须严格执行国家或省、自治区、直辖市人民政府颁布的排放标准和有关规定。

在海上自然保护区、水产养殖场、海滨风景游览区内，不得新建排污口。本法公布前已有的排污口排放污染物不符合国家排放标准的，应当限期治理。

第十九条 含强放射性物质的废水，禁止向海域排放。

含弱放射性质的废水，确需向海域排放的，必须执行国家放射防护的规定和标准。

第二十条 含传染病病原体的医疗污水和工业废水，必须经过处理和严格消毒，消灭病原体后，方能排入海域。

第二十一条 含有机物和营养物质的工业废水、生活污水，应当控制向海湾、半封闭海及其他自净能力较差的海域排放，防止海水富营养化。

第二十二条 向海域排放含热废水，应当采取措施，保证邻近的渔业水域的水温符合国家水质标准，避免热污染对水产资源的危害。

第二十三条 沿海农田施用化学农药，应当执行国家农药安全使用的规定和标准。

第二十四条 任何单位不经沿海省、自治区、直辖市环境保护部门批准，不得在岸滩弃置、堆放尾矿、矿渣、煤灰渣、垃圾和其他废弃物。依法被批准在岸滩设置废弃物堆放场和处理场的，应当建造防护堤，防止废弃物流失入海。

第二十五条 沿海省、自治区、直辖市环境保护部门和水系管理

部门，应当加强入海河流的管理，防治污染，使入海河口处的水质处于良好状态。

第五章 防止船舶对海洋环境的污染损害

第二十六条 在中华人民共和国管辖海域，禁止任何船舶违反本法规定排放油类、油性混合物、废弃物和其他有害物质。

第二十七条 150总吨以上的油轮和400总吨以上的非油轮，应当设有相应的防污设备和器材。

不足150总吨的油轮和不足400总吨的非油轮，应当设有专用容器，回收残油、废油。

第二十八条 150总吨以上的油轮和400总吨以上的非油轮，应当备有油类记录簿。

载运2,000吨以上的散装货油的船舶，应当持有有效的《油污损害民事责任保险或其他财务保证证书》，或《油污损害民事责任信用证书》，或提供其他财务信用保证。

第二十九条 150总吨以上的油轮和400总吨以上的非油轮，排放含油污水，必须按照国家有关船舶污水的排放标准和规定进行，并如实地记入油类记录簿。

第三十条 载运有毒、含腐蚀性货物的船舶，排放洗仓水和其他残余物，必须按照国家有关船舶污水排放的规定进行，并如实地记入航海日志。

第三十一条 核动力船舶和载运放射性物质的船舶，排放放射性物质，必须遵守本法第十九条的规定。

第三十二条 船舶进行加油和装卸油作业时，必须遵守操作规

程，采取有效的预防措施，防止发生漏油事故。

第三十三条 造船、修船、拆船和打捞船单位，均应备有防止污染器材和设备。进行作业时，应当采取预防措施，防止油类、油性混合物和废弃物污染海域。

第三十四条 船舶非正常排放油类、油性混合物和其他有害物质，或有毒、含腐蚀性货物落水造成污染时，应当立即采取措施，控制和消除污染，并向就近的港务监督报告，接受调查处理。

第三十五条 船舶发生海损事故造成或者可能造成海洋环境重大污染损害的，中华人民共和国港务监督有权强制采取避免或减少这种污染损害的措施。

第三十六条 所有船舶均有监视海上污染的义务，如发现违章行为和污染情事，应当立即向就近的港务监督报告，渔船也可以向就近的渔政渔港监督管理机构报告。

第三十七条 在中华人民共和国管辖海域航行、停泊和作业的船舶，发生污染情事的，由中华人民共和国港务监督登轮检查处理。经港务监督授权的政府有关机关的公务人员也可以登轮检查，并将检查结果报告港务监督处理。

第六章 防止倾倒废弃物对海洋环境的污染损害

第三十八条 任何单位未经国家海洋管理部门批准，不得向中华人民共和国管辖海域倾倒任何废弃物。

需要倾倒废弃物的单位，必须向国家海洋管理部门提出申请，经国家海洋管理部门审批，发给许可证后，方可倾倒。

第三十九条 获准倾倒废弃物的单位，应当按许可证注明的期限

及条件，到指定的区域进行倾倒。废弃物装载之后，批准部门应予核实。利用船舶倾倒废弃物的，由驶出港的港务监督核实。

第四十条 获准倾倒废弃物的单位，应当详细记录倾倒的情况，并在倾倒后向批准部门作出书面报告。倾倒废弃物的船舶须向驶出港的港务监督作出书面报告。

第七章 法 律 责 任

第四十一条 凡违反本法，造成或者可能造成海洋环境污染损害的，本法第五条规定的有关主管部门可以责令限期治理，缴纳排污费，支付消除污染费用，赔偿国家损失；并可以给予警告或者罚款。当事人不服的，可以在收到决定书之日起十五日内，向人民法院起诉；期满不起诉又不履行的，由有关主管部门申请人民法院强制执行。

第四十二条 因海洋环境污染受到损害的单位和个人，有权要求造成污染损害的一方赔偿损失。赔偿责任和赔偿金额纠纷，可以由有关主管部门处理，当事人不服的，依照《中华人民共和国民事诉讼法（试行）》规定的程序解决；也可以直接向人民法院起诉。

第四十三条 完全属于下列情形之一，经过及时采取合理措施仍然不能避免对海洋环境造成污染损害的，免于承担赔偿责任：

（1）战争行为；

（2）不可抗拒的自然灾害；

（3）负责灯塔或者其他助航设备的主管部门在执行职责时的疏忽或者其他过失行为。

完全是由于第三者的故意或者过失造成污染损害海洋环境的，由

第三者承担赔偿责任。

第四十四条 凡违反本法，污染损害海洋环境，造成公私财产重大损失或者致人伤亡的，对直接责任人员可以由司法机关依法追究刑事责任。

第八章 附 则

第四十五条 本法中下列用语的含义是：

（一）“海洋环境污染损害”是指直接或间接地把物质或能量引入海洋环境，产生损害海洋生物资源、危害人体健康、妨碍渔业和海上其他合法活动、损坏海水使用素质和减损环境质量等有害影响。

（二）“渔业水域”是指鱼虾类的产卵场、索饵场、越冬场、回游通道和鱼虾贝藻类的养殖场。

（三）“油类”是指任何类型的油及其炼制品。

（四）“油性混合物”是指任何含有油份的混合物。

（五）“排放”是指把污染物排入海洋的行为，包括泵出、溢出、泄出、喷出和倒出。

（六）“倾倒”是指通过船舶、航空器、平台或其他载运工具，向海洋处置废弃物或其他有害物质的行为，包括弃置船舶、航空器、平台和其他浮动工具的行为。

第四十六条 现行的有关海洋环境保护的规定，凡与本法抵触的，均以本法为准。

第四十七条 国务院环境保护部门可根据本法制订实施细则，报国务院批准施行。

国务院有关部门和沿海省、自治区、直辖市人民代表大会常务委

员会、人民政府可根据本法，结合本部门、本地区的实际，制订具体实施办法。

第四十八条 本法自一九八三年三月一日起生效。

THE MARINE ENVIRONMENTAL
PROTECTION LAW OF THE PEOPLE'S
REPUBLIC OF CHINA

(unofficial translation)

Decree No.9 of the Standing Committee of the
5th National People's Congress of the
People's Republic of China

The Marine Environmental Protection Law of the People's Republic of China adopted at the 24th Session of the Standing Committee of the 5th National People's Congress on 23 August 1982 is hereby made public and shall come into effect as of 1 March 1983.

Ye Jianying
Chairman of the Standing
Committee of the National
People's Congress
23 August 1982

THE MARINE ENVIRONMENTAL
PROTECTION LAW OF THE PEOPLE'S
REPUBLIC OF CHINA

Adopted at the 24th Session of the
Standing Committee of the 5th
National People's Congress
on 23 August 1982

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Chapter One

General Provisions

Article 1

This Law is hereby enacted in order to protect marine environment and resources, prevent pollution damage, maintain ecological balance, safeguard human health and promote the development of marine programs.

Article 2

This Law applies to the internal sea and territorial sea of the People's Republic of China and all other sea areas under the jurisdiction of the People's Republic of China.

All vessels, platforms, airborne vehicles, submersibles, as well as all enterprises, institutions and individuals engaged in navigation, exploration, exploitation, production, scientific research and other activities in the sea areas under the jurisdiction of the People's Republic of China shall comply with this Law.

This Law also applies to the discharge of harmful substances and the dumping of wastes done beyond the sea areas under the jurisdiction of the People's Republic of

China but causing pollution damage to such areas.

Article 3

All entities and individuals having access to the sea areas under the jurisdiction of the people's Republic of China shall protect the marine environment and watch for and report on actions polluting and damaging the marine environment thereof.

Article 4

The relevant departments under the State Council and the people's governments of the coastal provinces, autonomous regions, and municipalities directly under the Central Government may, as the need to protect the marine environment requires, establish special marine reserves, marine sanctuaries and seashore scenic and tourist areas, and take corresponding measures to protect them. The designation of special marine reserves and marine sanctuaries shall be subject to the approval by the State Council.

Article 5

The environmental protection department under the State Council is in charge of marine environmental protection in the whole country.

The state administrative department of marine affairs is responsible for organizing investigations, monitoring and surveillance of the marine environment and for conducting scientific research therein, and it is in charge of environmental protection against marine pollution damage caused by offshore oil exploration and exploitation and by the dumping of wastes into the sea.

The Harbour Superintendency Administration of the People's Republic of China is responsible for overseeing, investigating and dealing with the discharge of pollutants from vessels and for keeping under surveillance the waters of the port areas, and it is in charge of environmental protection against pollution damage caused by vessels.

The state agency in charge of fishery administration and fishing harbour superintendence is responsible for supervising the discharge of wastes by vessels in the fishing harbours and for keeping under surveillance the waters thereof.

The environmental protection department of the armed forces is responsible for supervising the discharge of wastes by naval vessels and keeping under surveillance the waters of the naval ports.

The environmental protection departments of the coastal provinces, autonomous regions, and municipalities di-

rectly under the Central Government are responsible for organizing, coordinating, overseeing and checking marine environmental protection in their respective administrative areas, and are in charge of environmental protection against pollution damage caused by coastal construction projects and land-based pollutants.

Chapter Two

Prevention of Pollution

Damage to the Marine Environment by Coastal Construction Projects

Article 6

Entities in charge of coastal construction projects must, before drawing up and submitting their construction plans, conduct scientific investigations of the marine environment, select suitable sites in light of the natural and social conditions, and formulate and submit Environmental Impact Statements in accordance with relevant state regulations.

Article 7

Measures must be taken to protect the aquatic resources when building harbours and oil terminals, as well as water conservancy facilities and tidal power stations in estuaries.

Dams to be built across fish and crab migration routes shall be provided with corresponding fish ladders.

Article 8

There shall be installed at ports and oil terminals facilities to receive and treat oil residues and wastes, oily water and other wastes, along with necessary antipollution equipment and monitoring and alarm devices.

Article 9

The development and utilization of tidelands shall be comprehensively planned and their regulation tightened. Strict control shall be maintained over land reclamation from salt marshes and other coastal filling projects and over sand-gravel dredging and excavating operations. As for projects that are definitely necessary, Environmental Impact Statements concerning them must be produced on the basis of investigations and comparison of economic results, and submitted for approval to the environmental protection departments of the relevant provinces, autonomous regions, and municipalities directly under the Central Government. In case of large-scale coastal filling projects, such Statements shall also be submitted to the environmental protection department under the State

Council for examination and approval.

It is forbidden to destroy seashore shelterbelts, scenic woods, scenic rocks, mangroves and coral reefs.

Chapter Three

Prevention of Pollution

Damage to the Marine Environment by Offshore Oil Exploration and Exploitation

Article 10

Enterprises engaged in offshore oil exploitation or their competent authorities shall, before drawing up and submitting their work plans, produce Environmental Impact Statements including effective measures to prevent pollution damage to the marine environment, and submit them to the environmental protection department under the State Council for examination and approval.

Article 11

In case of offshore oil exploration and other offshore activities involving explosive operations, effective measures shall be taken to protect fishery resources.

Article 12

Oils used in the course of exploration and exploitation shall be put under strict control so as to prevent their leakage. Oil residues and wastes shall be recovered and are forbidden to be discharged into the sea.

Article 13

Oily water and mixtures from both mobile and fixed platforms for offshore oil exploration and exploitation may not be directly discharged into the sea. When discharged after treatment following recovery, their oil content may not exceed the standards set by the state.

Article 14

It is prohibited to dispose of oily industrial wastes from either mobile or fixed platforms for offshore oil exploration and exploitation into the sea. The disposal of other industrial wastes may not cause pollution damage to fishing grounds or waterways.

Article 15

When conducting offshore-well testing, oils and oily mixtures may not be discharged into the sea, and

the gas shall be thoroughly burned so as to prevent pollution of the sea.

Article 16

Offshore oil pipelines and oil-storage installations shall always be kept in good conditions fulfilling the requirements against seepage, leakage and corrosion, so as to prevent oil from running off.

Article 17

In exploring and exploiting offshore oil resources, there shall be available appropriate antipollution facilities and equipment, and effective technical measures be taken to prevent blow-out or oil-spill accidents.

Once a blow-out or oil-spill occurs, it shall immediately be reported to the state administrative department of marine affairs and effective measures shall be taken to control and eliminate oil pollution, and the entity concerned shall accept the investigation and handling of the case by the department.

Chapter Four
Prevention of Pollution
Damage to the Marine Environment
by Land Based Pollutants

Article 18

The discharge of harmful substances into the sea by coastal entities must be conducted in strict compliance with the standards for discharge and relevant regulations promulgated by the state or the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

No additional outlet for discharging sewage is allowed within marine sanctuaries, aquacultural grounds and sea-shore scenic and tourist areas. Those outlets already in existence before the promulgation of this Law, the discharge of which is not in conformity with the state standards, shall be improved within a prescribed period of time.

Article 19

It is prohibited to discharge waste water containing high-level radioactive matter into the sea.

Any discharge of waste water containing low-level radioactive matter into the sea, when actually necessary, shall be carried out in strict compliance with the state regulations and standards concerning radioactive protection.

Article 20

No medical sewage or industrial waste water carrying pathogens may be discharged into the sea until it is properly treated and strictly sterilized with the pathogens therein exterminated.

Article 21

The discharge of industrial waste water and domestic sewage containing organic and nutrient matter into bays, semi-closed seas and other sea areas with low capacities of absorption shall be put under control so as to prevent eutrophication of the sea water therein.

Article 22

When discharging heated waste water into the sea, measures shall be taken to ensure that the water temperature in the adjacent fishing areas meets the state criteria for water quality so as to avoid damage to the aquatic resources by heat pollution.

Article 23

The use of chemical pesticides in coastal farmlands shall conform to the state regulations and standards for the safe use of pesticides.

Article 24

No entity may discard or pile up tailings, slags, cinders, garbage and other wastes along seashores and beaches without the approval of environmental protection departments of coastal provinces, autonomous regions, or the municipalities directly under the Central Government. Waste yards and treatment facilities set up with permission in accordance with law along seashores and beaches shall have dykes erected to prevent the wastes from getting into the sea.

Article 25

The environmental protection departments of the coastal provinces, autonomous regions, and municipalities directly under the Central Government and river system administrative departments shall strengthen the control of the rivers emptying into the sea and prevent them from being polluted so as to ensure the good quality of the water in the estuaries.

Chapter Five

Prevention of Pollution Damage to the Marine Environment by Vessels

Article 26

No vessel shall discharge oils, oily mixtures, wastes and other harmful substances into the sea areas under the jurisdiction of the People's Republic of China in violation of the provisions of this Law.

Article 27

Any oil tanker of 150 tons gross tonnage and above or any other vessel of 400 tons gross tonnage and above shall be fitted with appropriate antipollution equipment and facilities.

Any oil tanker less than 150 tons gross tonnage and any other vessel less than 400 tons gross tonnage shall be fitted with special containers for recovering residual and waste oils.

Article 28

Any oil tanker of 150 tons gross tonnage and above or

any other vessel of 400 tons gross tonnage and above shall carry on board an Oil Record Book.

Any vessels carrying more than 2,000 tons of oil in bulk as cargo shall have a valid Certificate of Insurance or other Financial Security in respect of Civil Liability for Oil Pollution Damage, or a Credit Certificate for Civil Liability against Oil Pollution Damage, or hold other financial credit guarantees.

Article 29

The discharge of oily water from an oil tanker of 150 tons gross tonnage and above or any other vessel of 400 tons gross tonnage and above must be conducted in compliance with the state standards and regulations concerning vessel sewage discharge, and accurately recorded in the Oil Record Book.

Article 30

The discharge of hold-washings and other residues by vessels carrying noxious or corrosive goods must be conducted in compliance with the state regulations for vessel sewage discharge, and be accurately recorded in the Log Book.

Article 31

The discharge of radioactive substances from nuclear-powered vessels or vessels carrying such substances must be conducted in compliance with the provisions of Article 19 of this Law.

Article 32

Vessels, when bunkering or loading and unloading oil, must observe the operation instructions and take effective measures to prevent oil spills.

Article 33

Ship-building, repairing, scrapping and salvaging units shall be provided with pollution-prevention equipment and facilities. During operations, preventive measures shall be taken against pollution of the sea by oils, oily mixtures and other wastes.

Article 34

In case pollution has arisen from an abnormal discharge of oils, oily mixtures or other harmful wastes or from the falling overboard of noxious or corrosive goods, the vessel concerned shall immediately take measures to control

and eliminate such pollution, and shall report to the nearest harbour superintendency administration for investigation and settlement.

Article 35

In case any vessel is involved in a marine accident which has caused, or is likely to cause, a serious pollution damage to the marine environment, the Harbour Superintendency Administration of the People's Republic of China has the power to take mandatory measures to avoid or minimize such a pollution damage.

Article 36

All vessels have the obligation to watch out for pollution of the sea. Upon discovering acts in violation of law or occurrence of pollution, they shall immediately report to the nearest harbour superintendency administration. Fishing boats may also report to the nearest agency in charge of fishery administration and fishing harbour superintendence.

Article 37

In the event of pollution caused by vessels that navigate, berth or operate in the sea areas under the jurisdiction of the People's Republic of China, officers from a harbour

superintendency administration of the People's Republic of China shall go on board the vessel in question to examine and handle the case. Officers from relevant government departments authorized by the Harbour Superintendency Administration may also go on board the vessel to conduct examinations and report the results thereof to the latter for settlement.

Chapter Six

Prevention of Pollution

Damage to the Marine Environment by Dumping of Wastes

Article 38

No entity may dump any kind of wastes into the sea areas under the jurisdiction of the People's Republic of China without the permission of the state administrative department of marine affairs.

Entities that need waste dumping must file an application with the state administrative department of marine affairs and only after a permit has been granted by the department can the said dumping be carried out.

Article 39

Entities that have obtained permits for dumping shall have it done at the designated place, within the time limit and in accordance with the conditions specified in the permit. Wastes to be dumped shall be verified by the approving department after their loading. Wastes to be dumped by means of vessels shall be verified by the harbour superintendency administration at the port of departure.

Article 40

Entities that have obtained permits for dumping shall make a detailed record of such operations and present a written report to the approving department thereafter. Vessels that have finished the said dumping must present a written report to the harbour superintendency administration at the port of departure.

Chapter Seven **Legal Liabilities**

Article 41

In case of a violation of this Law that has caused or is likely to cause a pollution damage to the marine environ-

ment, the relevant supervising departments prescribed in Article 5 of this Law may order the violator involved to remedy the pollution damage within a definite time, pay a sum of discharging fee, pay the cost for eliminating the pollution, and compensate for the loss sustained by the state, and may give the said violator a warning or impose a fine on him. An involved party contesting the decision may file a suit with the people's court within 15 days of receipt thereof. If a suit is not filed and the decision is not carried out upon the expiration of the period, the supervising department shall request the people's court to enforce the decision in accordance with law.

Article 42

Entities and individuals who have suffered damage caused by marine environmental pollution shall be entitled to claim compensation from the party causing the said pollution damage. Disputes over the compensation liability and the sum thereof may be settled by the relevant supervising department. In case a party contests the decision, the matter can be settled either by resorting to the procedures specified in the Law of Civil Procedure of the People's Republic of China (for Trial Implementation) or by filing a suit directly with the people's court.

Article 43

In cases due entirely to the following causes, compensation liabilities may be exempted if a pollution damage to the marine environment cannot be avoided in spite of the prompt and reasonable measures taken:

(1) act of war;

(2) irresistible natural calamities;

(3) negligence or other wrongful act on the part of the departments responsible for the maintenance of beacons or other navigational aids in exercising their functions.

In case of a pollution damage to the marine environment resulting entirely from the intentional or wrongful act by a third party, that party shall be liable for compensation.

Article 44

In cases of violations of this Law resulting in pollution damage to the marine environment and causing heavy losses of public or private property or deaths or injuries to persons, those who are directly responsible may be prosecuted for criminal responsibility by judicial organs in accordance with law.

Chapter Eight

Supplementary Provisions

Article 45

For the purposes of this Law:

(1) "Pollution damage to the marine environment" means any direct or indirect introduction of substances or energy into the marine environment, which results in such deleterious effects as harm to marine living resources, hazards to human health, hindrance to fishing and other legitimate activities at sea, impairment of quality for use of sea water and degradation of the environmental quality.

(2) "Fishing areas" means spawning grounds, feeding grounds, overwintering grounds and migration channels of fish and shrimps as well as aquacultural grounds of fish, shrimps, shellfish and aquatic plants.

(3) "Oils" means all kinds of oil and their refined products.

(4) "Oily mixtures" means a mixture with any oil content.

(5) "Discharging" means acts to drain pollutants into the sea, including pumping, spiling, releasing, spraying and pouring.

(6) "Dumping" means disposal of wastes or other harmful substances into the sea from vessels, airborne vehicles, platforms or other conveyances, including the disposal of vessels, airborne vehicles, platforms and other floating apparatus.

Article 46

Where provisions in force concerning marine environmental protection contradict the present Law, the latter shall prevail.

Article 47

The environmental protection department under the State Council may formulate detailed rules and regulations for the implementation of this Law, and submit them to the State Council for approval and put them into effect after such approval.

The relevant departments under the State Council and the standing committees of the people's congresses and people's governments of the coastal provinces, autonomous regions, and municipalities directly under the Central Government may adopt concrete measures for the implementation of this Law taking into consideration the actual conditions prevailing at the departments or localities concerned.

Article 48

This Law shall come into effect as of 1 March 1983.